

# Bere Regis Primary and Pre-school

## Dealing with Allegations of Abuse against Members of Staff and Volunteers

<b>Approved by:</b>	Local Governing Body	<b>Date:</b> 16 <sup>th</sup> November 2021
<b>Last reviewed on:</b>	November 2021	
<b>Next review due by:</b>	November 2022	

### 1. Definitions

1.1 References made to 'child' and 'children' refer to children and young people under the age of 18 years.

1.2 References made to adults and staff refer to all those who work with children in an educational establishment, in either a paid or unpaid capacity.

1.3 **Allegations - that may meet the harms threshold** (see Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education 2021)

This includes allegations that a current member of staff, including a supply teacher, volunteer or contractor, has:

- Behaved in a way that has harmed a child, or may have harmed a child,
- Possibly committed a criminal offence against or related to a child, and/or
- Behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children, and/or
- Behaved or may have behaved in a way that indicates they may not be suitable to work with children – this includes behaviour taking place both inside and outside of school

**Concerns - that do not meet the harm threshold** (see 'Section 2: Concerns that do not meet the harm threshold' in part 4 of Keeping Children Safe in Education 2021)

This section applies to all concerns (including allegations) about members of staff, including supply teachers, volunteers and contractors, which do not meet the harm threshold set out above. Concerns may arise through, for example, suspicion, a complaint, a disclosure made by a child, parent or other adult within or outside the school or pre-employment vetting checks.

The term 'low-level' concern is any concern – no matter how small – that an adult working in or on behalf of the school may have acted in a way that:

- Is inconsistent with the staff code of conduct, including inappropriate conduct outside of work, and
- Does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the designated officer at the local authority

Examples of such behaviour could include, but are not limited to:

- Being overly friendly with children
- Having favourites
- Taking photographs of children on their mobile phone

- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door
- Using inappropriate sexualised, intimidating or offensive language.

The procedure for dealing with concerns of this nature, can be seen in Appendix B

## **2. Introduction**

- 2.1 All children and adults have a fundamental right to be protected from harm.
- 2.2 The Governors have a duty to safeguard and promote the welfare of children and create and maintain a safe learning environment (section 175/157 of the Education Act 2002). Schools should identify where there are child welfare concerns and act to address them, in partnership with other organisations where appropriate, and in accordance with local inter-agency procedures.
- 2.3 School staff have a positive role to play in child protection, as their position often allows them to be able to observe outward signs of abuse and changes of behaviour in children.
- 2.4 Because of their role however, they are also open to accusations of abuse. Such allegations may be true, but they may also be false, misplaced or malicious.
- 2.5 This policy has been compiled in line with the Department for Education statutory guidance document [Keeping Children Safe in Education 2021](#). It should be read in conjunction with the procedure for dealing with allegations of abuse against members of staff and volunteers (Appendix A) and other relevant statutory and guidance documents issued nationally or by the Department for Education and HM Government, as well as other related school policies (Whistleblowing Policy and Staff Code of Conduct).
- 2.6 The policy aims to ensure that all allegations are dealt with fairly, consistently and quickly and in a way that provides protection for the child, whilst supporting the person who is the subject of the allegation.
- 2.7 In the event that a member of staff does not wish to report an allegation directly, or they have a general concern about malpractice within Bere Regis Primary and Pre-school, reference can also be made to the school's Whistle blowing policy.
- 2.8 The policy complies with the framework for managing cases of allegations of abuse against people who work with children, as set out in relevant guidance and in the local inter-agency procedures and has been agreed following consultation with the recognised trade unions.

## **3. Purpose and Scope**

The policy applies to all adults employed by the school or all adults volunteering in the school.

## **4. Core Principles**

- 4.1 The policy should be used in respect of all cases in which it is alleged that a member of staff or a volunteer in the school has:
- behaved in a way that has harmed a child, or may have harmed a child, or;
  - possibly committed a criminal offence against or related to a child, or;
  - behaved towards a child or children in a way that indicates s/he would pose a risk of harm to children.
- 4.2 In addition, the policy also applies if a concern arises about a member of staff in his/her private life which indicates that s/he would pose a risk of harm to children.

4.3 It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. Even allegations that appear less serious must be followed up and taken seriously. The policy aims to provide effective protection for the child and support for the person who is the subject of the allegation.

#### 4.4 **Timescales**

4.4.1 It is in everyone's interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation and avoid undue delay. It is recognised that the time taken to investigate and resolve individual cases may depend on a variety of factors, including the seriousness and complexity of the case. In complex cases, where timescales are lengthy, the reasons should be recorded.

#### 4.5 **Confidentiality**

4.5.1 Whilst an allegation is being investigated, every effort should be made to maintain confidentiality. It might be necessary however, for staff to be informed so far as is necessary, particularly in the case of allegations involving Headteachers.

4.5.2 Consideration will also need to be given as to whether to make a brief statement to parents of children in the school to provide an element of reassurance and to continue to provide information throughout the investigation.

4.5.3 The police will not normally provide any information to the press or media that might identify an individual, unless or until the person is charged with a criminal offence.

#### 4.6 **Information sharing**

4.6.1 During an initial evaluation of the case, or strategy discussion (see step 3 of the procedure), the agencies concerned should share all the relevant information that they have about the person who is the subject of the allegation and about the alleged victim.

4.6.2 If applicable and where possible, the police and children's services social care should obtain consent from the individuals concerned to share the statements and evidence they obtain during the course of their investigations with the school for disciplinary purposes. This should be done as the investigation proceeds rather than after it is concluded. When considering further action, schools should therefore take account of any relevant information obtained in the course of those enquiries.

#### 4.7 **Suspension**

4.7.1 Suspension should not be seen as an automatic response to an allegation. A person must not be suspended without careful consideration, taking into account the seriousness and plausibility of the allegation and the risk of harm to the pupil concerned. Suspension should therefore be intended as a safeguard for both the child making the allegation and the member of staff against whom the allegation has been made.

4.7.2 In general, suspension should only be considered in any case where there is cause to suspect a child is at risk of significant harm, it is necessary to allow any investigation to continue unimpeded or is so serious that if proven it might be grounds for dismissal.

4.7.3 The power to suspend is vested in the Headteacher/Governing Body. However, it would be appropriate for the views of the police/children's services social care to be canvassed prior to any final decision being made as to whether to suspend a member of staff. In any event, suspension should only follow after discussion with the Local Authority Designated Officer (LADO) /HR Advisor.

- 4.7.4 If the initial suspension meeting takes place prior to the strategy discussion, care should be taken in relation to the amount of information given to the member of staff.
- 4.7.5 Suspension from duty should only be used after careful consideration, after seeking guidance. The Headteacher/Governing body will also consider whether the result that would be achieved by suspension could be achieved by alternative arrangements, such as paid leave of absence (management leave), additional supervision, undertaking different duties at school or at home. Any consideration that is given as an alternative to suspension will be well documented and retained for future reference.
- 4.7.6 A decision to suspend can be made at any stage during the investigation process, reviewed in the light of new evidence and should be carried out in accordance with the procedure set out in the Bere Regis Primary and Pre-school's Disciplinary Policy. The justification behind the decision to suspend should be well documented, including in the written confirmation to the employee.
- 4.7.7 Suspension or alternative measures should be in place for as short a length of time as possible and if it is agreed that a member of staff is to return to work, careful planning needs to take place to ensure the situation is managed as sensitively as possible.

#### 4.8 **Records**

- 4.8.1 It is important that a clear and comprehensive summary recording the outcome of any allegations is kept on a person's file and a copy provided to the individual.
- 4.8.2 All documents relating to an investigation must be retained until at least the person has reached normal retirement age or for a period of 10 years from the date of the allegation, if that is longer. This includes all allegations, even if unsubstantiated or false but not malicious (refer to definitions at Appendix 2). Details of allegations found to be malicious should be removed from the individual's personnel file. This enables accurate information to be given in response to any future request for a reference and will help provide clarity where a future DBS disclosure reveals police information that an allegation was made but did not result in a prosecution or conviction. Such a record also serves to protect the employee from unnecessary re-investigation if allegations resurface after a period of time.
- 4.8.3 Some cases must be reported to the Disclosure and Barring Service (DBS) for consideration of including the person on the barred list or for consideration by the Teaching Regulation Agency (TRA). (refer to the procedure - Step 5, Referral).
- 4.8.4 A copy of the allegation should also be placed on the pupil's file, together with a written record of the outcome.

#### 4.9 **Support**

- 4.9.1 Parents or carers of a child or children involved should be told about the allegation as soon as possible (with the proviso of para 2.3 of the procedure). They should also be kept informed about the progress of the case, including suspension and told the outcome where there is not a criminal prosecution. This also includes the outcome of any disciplinary process.
- 4.9.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, children's services social care or the police as appropriate, should also consider what support the child, children and their parents may need.
- 4.9.3 The school should keep the person who is the subject of the allegations informed of the progress of the case and consider what other support is appropriate, such as making them aware of the Staff Counselling Service where appropriate. If the person is suspended, they should be kept informed about developments at the school. Social contact with colleagues and friends at the school should not necessarily be precluded.

- 4.9.4 A guidance leaflet will be made available to all staff who are facing an allegation of child abuse. It would also be appropriate for schools to ask the individual whether welfare counselling or the support of a medical adviser (Occupational Health) would be beneficial.
- 4.9.5 Depending on the circumstances of the alleged abuse, support for others at the school, both staff and pupils might also need to be considered.
- 4.9.6 If the allegations are unfounded and no action is to be taken against the member of staff, the Head/Chair of Governors should still consider whether counselling and/or informal professional advice might be appropriate for all parties, to help rebuild confidence where necessary. A phased return on full pay for the member of staff could be considered and/or the provision of a mentor. A meeting with the employee and their union representative to discuss such matters would also be helpful.
- 4.10 **Resignations**
- 4.10.1 The fact that a person tenders their resignation must not prevent an allegation being followed up in accordance with the procedure outlined at step 4 of the procedure, up until the end of their employment.
- 4.10.2 It is important that every effort is made to reach a conclusion in all cases, including any in which the individual concerned refuses to co-operate with the process.
- 4.10.3 Settlement agreements **must not** therefore be used in any safeguarding cases.
- 4.11 **Oversight and monitoring**
- 4.11.1 The LADO has overall responsibility for the oversight of the procedures for dealing with allegations, and will provide advice and guidance to schools, as appropriate.
- 4.11.2 The LADO will also monitor the progress of cases and liaise with the police and other agencies to ensure that cases are dealt with as quickly as possible, consistent with a fair and thorough process.
- 4.11.3 The contact details for the designated LADO are set out at Appendix C of this document.
- 4.11.4 HR will work with the LADO to ensure the appropriate application of this procedure and will provide specific advice in cases of formal disciplinary action.

**Appendix A – Procedure for dealing with allegations which meets the threshold** (see Section 1: Allegations that may meet the harms threshold' in part 4 of Keeping Children Safe in Education 2021)

**1. Step 1: Reporting of Allegations**

- 1.1 All allegations should be reported to the Headteacher immediately, unless the allegation is about the Head in which case it should be reported to the Chair of Governors, or the Vice/Deputy Chair in the Chair's absence.
- 1.2 A written, dated record must be made by the Headteacher/Chair of Governors of the allegations as soon as practicable, but ideally within 24 hours.
- 1.3 The LADO should be informed of all the allegations that come to the school's attention so that they can consult the police and children's social care services colleagues as appropriate. If the allegation falls under the remit of para 4.1 of the policy, the case should be reported to the LADO on the same day, where practicable.
- 1.4 The LADO should also be informed of any allegations that are made directly to the police or children's social care services.
- 1.5 The Headteacher/Chair of Governors should not investigate the allegation at this stage. However, serious consideration will need to be given as to whether it is appropriate to suspend the individual concerned.
- 1.5.1 Suspension from duty should only be used after careful consideration, after seeking guidance from the HR & OD Advisory Service and within the principles contained in the ACAS guidance on suspension.
- 1.5.2 Consideration should be given to whether the result that would be achieved by suspension could be achieved by alternative arrangements, such as paid leave of absence (management leave), additional supervision or by undertaking different duties as school or at home.
- 1.5.3 Any consideration that is given as an alternative to suspension should be well documented and retained for future reference.
- 1.5.4 If suspension is considered to be the most appropriate form of action, the reasons should be documented; the employee will be notified and the justification explained and confirmed in writing.

**2. Step 2: Informing relevant parties**

- 2.1 The Headteacher/Chair of Governors should inform the accused person about the allegation as soon as possible **after** consulting the LADO and subject to 2.3 below. If the person is a member of a union or professional association, they should be advised to contact that organisation.
- 2.2 If the parents/carers of the child concerned are not already aware of the allegation, the LADO should also discuss with the Head/Chair of Governors how and by whom they should be informed.
- 2.3 However, where a strategy discussion is needed, or the police or children's social care services need to be involved (see 3.4 below), the Headteacher should not inform the relevant parties until those agencies have been consulted and agreed what information can be disclosed.

**3. Step 3: Initial Evaluation**

- 3.1 There may be up to 3 strands in the consideration of an allegation:
  - a police investigation of a possible criminal offence;
  - enquiries and assessment by children's social care services about whether a child is in need of protection or in need of services;
  - consideration by the school of disciplinary/capability action in respect of the individual.
- 3.2 The LADO should discuss the matter with the Headteacher/Chair of Governors, establish that the allegation is within the scope of these procedures and, where necessary, obtain further details of the allegation and the circumstances in which it was made.
- 3.3 Consideration should also be given as to whether any other children may be likely to be at risk, in the light of the allegation, and whether it might be necessary to review any previous allegations made.

- 3.4 If there is cause to suspect that a child is suffering or is likely to suffer significant harm, the LADO will contact children's social care services and ask for a strategy discussion to be convened straight away. The focus of this discussion will be on the needs of the child or children who may be at risk.
- 3.5 The strategy discussion should include the LADO, HR and the Headteacher/Chair of Governors and take account of information that the school can provide about the circumstances or context of the allegation and the pupil and member of staff concerned.
- 3.6 If the 'threshold of significant harm' has not been reached, but a police investigation might be needed, the LADO should conduct a similar discussion with the police, school and other agencies to evaluate the allegation and decide how best to deal with it.
- 3.7 If the allegation is about physical contact, the strategy discussion or initial evaluation meeting should take account of the fact that teachers and other school staff are entitled to use reasonable force to control or restrain pupils in certain circumstances (see also the school's Code of Conduct).
- 3.8 However, the police must always be consulted about any case in which a criminal offence may have been committed.

#### **4. Step 4: Action following initial evaluation**

- 4.1 If the child or children appear to be at risk of significant harm and in need of protection, there should be an urgent referral to local child protection agencies in accordance with the agreed procedures.
- 4.2 If as a result of the strategy discussion, there is reasonable belief to suggest that a criminal offence has been committed, the police will carry out a full investigation as outlined in section 4.7.
- 4.3 Where the initial consideration decides that the allegation does not involve a possible criminal offence or that there is no significant risk to the child, the LADO should discuss the next steps with the Headteacher/Chair of Governors and institute action as appropriate.
- 4.4 The options open to the school depend on the nature and circumstances of the allegation and the evidence and information available and will range from taking no further action to summary dismissal.
- 4.5 Where appropriate the LADO should continue to liaise regularly with the school to monitor the progress of any case and provide advice and support as necessary.
- 4.6 Unsubstantiated, False, Malicious and unfounded allegations (Appendix C)
  - 4.6.1 If the allegation is considered to be false, the LADO should consider referring the matter to children's social care services to determine whether the child concerned is in need of services or may have been abused by someone else.
  - 4.6.2 In respect of malicious allegations, consideration should also be given to whether disciplinary action against the pupil who made the allegation is appropriate.
  - 4.6.3 The member of staff should be informed of the allegation verbally and in writing, if this has not already been done in line with 2.1. The suspension should be lifted immediately, if applicable. They should be told of the fact that no further action will be taken in accordance with disciplinary/child protection procedures and relevant support considered in respect of their return to work as well as other factors, as appropriate, on a case by case basis.
  - 4.6.4 The Head/Chair of Governors should also inform the parents of the child or the children of the outcome and consider what counselling and support would be appropriate. Advice and support should be sought from the Local Authority as appropriate.
  - 4.6.5 Any details relating to an allegation that are found to be malicious should be removed from the personnel record. Where an allegation is found to be unfounded, unsubstantiated or false and a decision is made to take no further action, a written record should be made, including the reason for the decision. A copy of this should be provided to the employee.

#### **4.7 Police investigation**

- 4.7.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible consistent with a fair and thorough investigation and will keep the progress of the case under review.

- 4.7.2 A target date should be set for reviewing the progress of the investigation and this should take place within a month, if possible, or as soon as possible after the initial evaluation.
- 4.7.3 When a decision has been made not to charge the individual with an offence or administer a caution, the police should, wherever possible, aim to pass all the information they have to the school without undue delay as this may be relevant to a disciplinary case.
- 4.7.4 If the person is convicted of an offence, the police should inform the school straight away. The action the school might take will depend on the circumstances of the case and consideration will need to be given to the different standard of proof required in disciplinary and criminal proceedings. For example, it may be the case that whilst there is no criminal prosecution that the standard of proof required for employment law purposes deems that dismissal is appropriate.

#### 4.8 Formal Disciplinary action

- 4.8.1 If a disciplinary hearing is required and can be held without further investigation, the hearing should be held, without undue delay, in accordance with the school's disciplinary policy.
- 4.8.2 Notwithstanding 4.7.1 above, if a police investigation is being undertaken, consideration will need to be given as to whether disciplinary action can be taken in parallel with the criminal process, or whether the disciplinary process will need to await completion of the police enquiries and/or prosecution. In cases where a disciplinary investigation/action is undertaken in parallel with the criminal process, it will have been agreed with the police that there is no requirement to await the completion of enquiries and/or prosecution.
- 4.8.3 Where further investigation is required to inform consideration of disciplinary action, the Head/Chair of Governors should appoint an appropriate level Investigating Officer, in consultation with HR.
- 4.8.4 If further evidence comes to light during the course of the investigation, referral to child protection agencies may need to be considered.
- 4.8.5 The Investigating Officer should aim to provide a report to the school without undue delay, in line with the disciplinary procedure. The nature, scale and duration of any investigation will be proportionate and will depend on the seriousness and complexity of the allegation(s) being investigated.
- 4.8.6 When the report is received, schools are advised to consult their HR Advisor. Where a disciplinary hearing is needed, this should be arranged in accordance with the school's disciplinary policy and without undue delay.

#### 4.9 References

- 4.9.1 Allegations which are proved to be unsubstantiated, unfounded, false or malicious must not be included in employer references. Nor should a history of repeated concerns or allegations all of which have been found to be unsubstantiated, unfounded, false or malicious be included in any reference.

### 5. **Step 5: Referral to the Disclosure and Barring Service (DBS) / Teaching Regulation Agency (TRA) / Local Authority Designated Officer (LADO)**

- 5.1 On conclusion of the case, where an allegation has been substantiated, the school should consult the '[DBS referral guidance](#)' in order to determine whether a referral needs to be made. Where a dismissal / disciplinary investigation leading to a resignation / redeployment of a member of staff relates to a child protection concern, a referral to the DBS is required. Making the referral is the responsibility of the Headteacher (or Chair of Governors) but the LADO and HR will be available for advice.
- 5.2 In the case of a member of teaching staff, consideration should be given to referring the matter to the [Teaching Regulation Agency](#) (TRA) to consider prohibiting the individual from teaching.
- 5.3 In all cases, the outcome of allegation should be notified to the Local Authority Designated Officer (LADO).

### 6. **Step 6: Formal Review**

- 6.1 In cases where an allegation has been substantiated, the LADO should review the circumstances of the case with the Head/Chair of Governors and determine whether there are any improvements that could be made to the school's procedures/practice, to help prevent similar events occurring in the future.

## **Appendix B – Procedure for dealing with concerns, which do not meet the threshold**

We recognise the importance of creating a culture of openness, trust and transparency to encourage all staff to share low-level concerns so that they can be addressed appropriately.

We will create this culture by:

- Ensuring staff are clear about what appropriate behaviour is, and are confident in distinguishing expected and appropriate behaviour from concerning, problematic or inappropriate behaviour, in themselves and others
- Empowering staff to share any low-level concerns
- Addressing unprofessional behaviour and supporting the individual to correct it at an early stage
- Providing a responsive, sensitive and proportionate handling of such concerns when they are raised
- Helping to identify any weakness in the school's safeguarding system

### **Responding to low-level concerns**

If the concern is raised via a third party, the headteacher will collect evidence where necessary by speaking:

- Directly to the person who raised the concern, unless it has been raised anonymously.
- To the individual involved and any witnesses

The headteacher will use the information collected to categorise the type of behaviour and determine any further action, in line with the school's staff code of conduct.

### **Record keeping**

All low-level concerns will be recorded in writing. In addition to details of the concern raised, records will include the context in which the concern arose, any action taken and the rationale for decisions and action taken.

Records will be:

- Kept confidential, held securely and comply with the DPA 2018 and UK GDPR
- Reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified. Where a pattern of such behaviour is identified, we will decide on a course of action, either through our disciplinary procedures or, where a pattern of behaviour moves from a concern to meeting the harms threshold as described in section 1 of this appendix, we will refer it to the designated officer at the local authority.
- Retained at least until the individual leaves employment at the school
- Where a low-level concern relates to a supply teacher or contractor, we will notify the individual's employer, so any potential patterns of inappropriate behaviour can be identified.

### **References**

We will not include low-level concerns in references unless:

- The concern (or group of concerns) has met the threshold for referral to the designated officer at the local authority and is found to be substantiated; and/or
- The concern (or group of concerns) relates to issues which would ordinarily be included in a reference, such as misconduct or poor performance

## Appendix C

### Outcomes

#### (i) No further action after initial consideration

Initial consideration means the discussion about whether the alleged incident constitutes an allegation within the scope of the Local Safeguarding Children Board (LSCB) procedures, i.e. the initial discussion with the LADO, Social Care or Police, following which there may be no need for further action under the procedures. It does not mean following an initial assessment undertaken in accordance with the Framework for the Assessment of Children in Need and their Families.

#### (ii) Substantiated - There is sufficient evidence to prove the allegation.

#### (iii) Unsubstantiated

This is not the same as a false (malicious) allegation. It simply means that there is insufficient evidence to prove or disprove the allegation. The term does not imply guilt or innocence.

#### (iv) Malicious

This means there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.

#### (v) False - This means that the allegation has been proved to be untrue.

#### (vi) Unfounded

This means that there is no evidence or proper basis which supports the allegation being made. It may also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.

### Responsibilities

#### Chair of Governors

Responsible for liaising with the Headteacher/Designated Safeguarding Lead at the school over matters regarding child protection issues, or in the case of allegations against the Headteacher, liaising with the Local Authority Designated Officer (LADO)/HR over appropriate action to take.

#### Local Authority Designated Officer (LADO)

The LADO must be involved in the management and oversight of individual cases which meet the threshold set out at 4.1; provides advice and guidance to employers; liaises with the police and other agencies; and monitors the progress of cases to ensure they are dealt with as quickly as possible, consistent with a fair and thorough process.

Contact details for the Dorset LADO: Telephone: 01305 221122 / email [lado@dorsetcouncil.gov.uk](mailto:lado@dorsetcouncil.gov.uk).

#### 1.4 Dorset Safeguarding Children Board

Key statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children.